

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

VERONICA L. WHITTY,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

Case No. 12-5314 RJB-KLS

REPORT AND RECOMMENDATION


This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule MJR 4(a)(4) and as authorized by Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on the stipulated motion for remand. (ECF #9). After reviewing the parties' stipulated motion and the remaining record, the undersigned recommends that the Court grant the parties' motion, and remand this matter to the Commissioner for further proceedings.

This Court recommends that on remand, the Administrative Law Judge (ALJ) will hold a de novo hearing as significant portions of the original recording held on August 10, 2010 are inaudible. The ALJ will provide Plaintiff the opportunity to give testimony, and if necessary, will obtain vocational expert testimony at step 4 and, if necessary, step 5 of the sequential evaluation; and will issue a new decision. Upon proper presentation, the Court will consider Plaintiff's application for attorney fees under the Equal Access to Justice Act and 406(b), if appropriate.

REPORT AND RECOMMENDATION - 1

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2 Given the fact of the parties' stipulation, the Court recommends that the District Judge
3 immediately approve this Report and Recommendation and order the case **REVERSED** and
4 **REMANDED**. A proposed order accompanies this Report and Recommendation.

5 DATED this 2nd day of October, 2012.

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8 Karen L. Strombom
9 United States Magistrate Judge
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